



July 29, 2016

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of Ex Parte in WC Docket No. 10-191 and CG Docket Nos. 03-123 and 10-51

Dear Ms. Dortch:

On July 27, 2016, Peter Hayes, CEO, Ian Blenke, CTO, and Earl Comstock, General Counsel, of VTCSecure, LLC, met with Kris Monteith, Daniel Kahn, Ann Stevens, Sanford Williams, Michele Berlove and Andrew Multz of the Wireline Competition Bureau and Karen Peltz-Strauss, Micah Caldwell, Eliot Greenwald and Robert McConnell of the Consumer and Governmental Affairs Bureau to discuss the VTCSecure's Petition for Waiver and Request for Declaratory Ruling (hereinafter "Petition") in the above listed dockets.<sup>1</sup> Mr. Hayes and Mr. Blenke participated by phone.

Mr. Hayes and Mr. Comstock thanked the Commission for its recent Public Notice<sup>2</sup> requesting comment on the Petition and reiterated the merits of permitting direct Sign Language (SL) customer support services by government agencies and large corporations that are detailed on pages 1 and 15-17 of the Petition.

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<sup>1</sup> Petition of VTCSecure LLC for Waiver of Sections 64.613(a)(1), 64.613(a)(2), 64.613(a)(4), and 64.623(c) of the Commission's Regulations and Request for Declaratory Ruling to Permit Providers of Direct Sign Language Customer Support to Access the TRS Numbering Directory, CG Docket Nos. 10-151 and 03-123 (filed Jul. 6, 2016), available at [https://ecfsapi.fcc.gov/file/10706095320933/Direct SL Customer Support Waiver Petition 07062016.pdf](https://ecfsapi.fcc.gov/file/10706095320933/Direct%20SL%20Customer%20Support%20Waiver%20Petition%2007062016.pdf)

<sup>2</sup> Public Notice, DA 16-810, WC Docket No. 10-191 and CG Docket Nos. 03-123 and 10 – 151 (rel. Jul. 18, 2016).

In response to questions, Mr. Hayes and Mr. Comstock discussed a number of specific points raised in the Petition. First Mr. Hayes explained that current regulations limit the TRS Numbering Directory to “Registered Internet-based TRS users” which are defined as “individuals” who are required to register with a VRS or IP Relay provider; provide their full name, date of birth, last four digits of their Social Security Number; and attest that they are deaf or hard of hearing.<sup>3</sup> These requirements would need to be waived or modified as appropriate to register the telephone number(s) for a business that is providing direct SL customer support to deaf and hard of hearing consumers because hearing individuals who are fluent in SL may be hired as customer support representatives and/or there may be multiple deaf or hearing individuals providing customer support through a single direct SL customer support service telephone number. Mr. Comstock pointed out that businesses are interested in having the flexibility to allow hearing individuals who are proficient in sign language work as customer support representatives because that will allow those representatives to be able to support hearing customers when demand for SL support is low.

There followed a discussion of how direct SL customer support service meets the statutory and regulatory definitions of “telecommunications relay service,” but not the more specific regulatory definitions of “video relay service” or “Internet-based telecommunications relay service (iTRS).” Mr. Comstock pointed out that statutory and regulatory definitions of TRS, while they use the term “relay” in the title, do not actually require that there be a relay person. Instead, the definitions simply require that there be a “telephone transmission service” that allows an individual with a speech or hearing disability to “engage in communication by wire or radio with ... individuals in a manner that is functionally equivalent” to a person without a disability using voice communication.<sup>4</sup> A direct SL customer support service, which is a telephone transmission service,<sup>5</sup> will enable a deaf or hard of hearing individual to “engage in communication” in a functionally equivalent manner thus fits comfortably within the definition of TRS. In contrast, as discussed in the Petition on pages 5 and 10, a direct SL customer support service does not fit within the definitions of an “Internet based TRS” or “VRS” provider because

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<sup>3</sup> See 47 C.F.R. § 64.613(a)(1) (“The TRS Numbering Directory shall contain records mapping the geographically appropriate NANP telephone number of each Registered Internet-based TRS User to a Unique Uniform Resource Identifier (URI).”); 47 CFR § 64.691(a)(27) (“Registered Internet-based TRS user. An individual that has registered with a VRS or IP Relay provider as described in § 64.611.”); and 47 CFR § 64.611(b) (“VRS and IP Relay providers must... register that new user as described in paragraph (a) of this section.”).

<sup>4</sup> See 47 U.S.C. § 225(a)(3) and 47 CFR § 64.601(a)(32). FCC staff indicated that the regulatory definition was likely to be conformed to the statutory definition in a future proceeding. For purposes of this petition the difference is immaterial, and VTCSecure presumes the statutory definition will control.

<sup>5</sup> VTCSecure notes that the term “telephone transmission services” in section 225 is not defined, and nowhere in the Communications Act is the term “telephone transmission services” limited to voice communications. The term covers voice, video and data services.

both of those regulatory definitions require the involvement of a “communications assistant” who interprets or transliterates the communication between the parties to the call.

Finally, there was a discussion of how a direct SL customer support provider would already be subject to the Commission’s registration requirements and regulations as an Interconnected Voice over Internet Protocol (IVoIP) provider<sup>6</sup> and could, as an IVoIP provider, obtain telephone numbers directly under the Commission’s recent numbering order. In addition, because a direct SL customer support service provider is also a TRS provider, as discussed above, the Commission’s existing CPNI regulations at 47 CFR §§ 64.5101 *et. seq.* would apply. In light of these existing regulations, Mr. Comstock did not think additional regulations for direct SL customer support services are needed to protect consumers. However, Mr. Hayes and Mr. Blenke both urged the Commission to require direct SL customer support service providers to have to comply with the same security requirements that the TRS Numbering Administrator imposes on VRS providers to connect to and access the iTRS Numbering Directory and also to ensure that any direct SL customer support service has to comply with the Commission’s interoperability requirements for VRS access technologies.<sup>7</sup>

Respectfully submitted,



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<sup>6</sup> See Petition, pp. 12 – 15 and in particular note 30.

<sup>7</sup> See 47 CFR §§ 64.619 and 64.621.